

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Adkins et al.**

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Serial No.: **10/777,719**

Group Art Unit: **2163**

Filed: **February 12, 2004**

Examiner: **Black, Linh**

For: **Method and Apparatus for File
System Snapshot Persistence**

Attorney Docket No.: **AUS920031018US1**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
NOTICE OF ALLOWANCE NOT RECEIVED**

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance forming the basis of the abandonment was not received. I hereby state: (a) the Notice of Allowance, as mailed on July 26, 2007, was not received; and (b) a search of the file jacket and the docket records in my office indicates that this Notice of Allowance was not received.

I attach a copy of the Case History Report and case file index where the non-received Notice of Allowance would have been entered had it been received and docketed. Receipt of the Notice of Allowance is neither indicated on the Case History Report nor on the case file index. As additional evidence of non-receipt of the Notice of Allowance, I also attach a statement from the paralegal, Monica Gamez, who would have docketed the Notice of Allowance had it been received.

It first came to my attention that a Notice of Allowance had been issued in this application when I noted a Communication from the Patent and Trademark Office in our application file indicating that a Supplemental Examiner's Amendment had been entered. I looked up the status of the application on PAIR and discovered that a Notice of Allowance had, in fact, been issued in the application, and that the period for paying the Issue Fee had already expired.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Notice of Allowance as mailed on July 26, 2007, according to the USPTO Patent Application Information Retrieval system, be re-dated and mailed so that our office can respond in a timely manner.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Date: November 28, 2007

Respectfully submitted,

/Gerald H. Glanzman/ _____

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